REMARKS

I. STATUS OF THE CLAIMS

Claims 1-37 are pending in the present application. In the Office Action mailed April 7, 2006, claims 1-37 were rejected. By this Amendment, claims 3, 12, 23, and 31 are amended. No new matter is presented. Please cancel claims 7 and 8.

II. OBJECTION TO THE SPECIFICATION

In the Office Action, the specification was objected to for improperly using the word "our" instead of "or" on page 4, line 12. The specification is amended hereby. Thus, it is believed that this rejection is obviated and should be withdrawn.

III. CLAIM REJECTIONS UNDER 35 U.S.C. §112

Claim 3 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the use of the term "seat chamber" was rejected as lacking antecedent basis. Claim 3 is amended hereby to correct this typographical error. Thus, it is believed that this rejection is obviated and should be withdrawn.

IV. CLAIM REJECTIONS UNDER 35 U.S.C. §102(e)

Claims 12-19 and 22-37 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,513,817 to McCue et al. ("*McCue*"). This rejection is respectfully traversed. Claims 13-19 and 22 depend directly or indirectly from claim 12. Claims 24-30 depend directly or indirectly from claim 23. Claims 32-37 depend directly or indirectly from claim 31. In view of the amendments to claims 12, 23, and 31, it is believed that this rejection is obviated and should be withdrawn.

McCue is directed to a shopping cart having a particular configuration. *McCue* does not teach or suggest the various electronic devices claimed in amended claims 12, 23, and 31. Instead, *McCue* merely generally references that the cart can include an "electronic game

device" without discussing what this device includes or does (col. 4, lines 25-26). Given that *McCue* fails to teach or suggest each and every element of the claimed invention, *McCue* is insufficient to reject amended claims 12, 23, 31 or their associated dependent claims 13-19, 22, 24-30, and 32-37 under 35 U.S.C. §102(e). Thus, it is respectfully requested that this rejection be withdrawn.

V. CLAIM REJECTIONS UNDER 35 U.S.C. §103(a)

A. Rejection of Claims 1-11

Claims 1, 2, and 4-11 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. D461,612 to Lobban et al. ("*Lobban*"). Claim 3 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Lobban* in view of *McCue*. Claims 7 and 8 are canceled hereby. With respect to claims 1-6 and 9-11, given that *Lobban* is not available as a reference against the present application, this rejection is respectfully traversed.

Lobban was filed on November 26, 2001 and issued on August 13, 2002. The present application was filed on February 27, 2004 and is a continuation-in-part application of U.S. Application No. 10/113,310, filed March 29, 2002, now U.S. Patent No. 6,979,004. Pending claims 1-6 and 9-11 are supported clearly by the parent specification and therefore are entitled to an effective filing date of March 29, 2002. Thus, *Lobban* qualifies as prior art only under 35 U.S.C. §102(e).

Lobban is assigned to RTS Plastics, Inc. and Redico Incorporated (Reel 012326, Frame 0472). The present application is assigned to Motion Entertainment, an entity owned by RTS Plastics, Inc. and Redico Incorporated. Thus, both *Lobban* and the present application were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same entity. As such, *Lobban* is disqualified as prior art under 35 U.S.C. §102(e) and 35 U.S.C. §103(a). *See* MPEP 706.02(l)(3). As such, it is respectfully requested that this rejection be withdrawn.

B. Rejection of Claims 20 and 21

Claims 20 and 21 are rejected under 35 U.S.C. §103(a) as being unpatentable over

McCue. Claims 20 and 21 depend directly or indirectly from claim 12. In view of the amendment to claim 12 presented hereby, it is believed that this rejection is obviated and should be withdrawn.

It is well established that to establish a *prima facie* case of obviousness, *inter alia*, the prior art reference or combination of references must teach or suggest all the claim limitations. MPEP §2142. As discussed above, *McCue* does not teach or suggest all elements of amended claim 12. Further, the limited disclosure of *McCue* does not render amended claim 12 obvious. Thus *McCue* is insufficient to support a rejection of claim 20 and 21, which depend from claim 12, under 35 U.S.C. §103(a). As such, it is respectfully requested that this rejection be withdrawn.

CONCLUSION

In view of the foregoing remarks, Applicant respectfully asserts that the various rejections of the claims set forth in the non-final Office Action of April 7, 2006 have been addressed and overcome. Applicant further respectfully asserts that all claims are in condition for allowance and request that a Notice of Allowance be issued. If issues may be resolved through Examiner's Amendment, or clarified in any manner, a call to the undersigned attorney at (404) 879-2437 is courteously solicited.

The Commissioner is hereby authorized to charge any fees due, or credit any overpayment, to Deposit Account No. **09-0528**.

Respectfully submitted,

Dana E. Stano

Date: August 23, 2006

Dana E. Stano
Registration No. 50,750

Womble Carlyle Sandridge & Rice, PLLC
P.O. Box 7037
Atlanta, GA 30357-0037
(404) 879-2437 (Telephone)
(404) 879-2937 (Facsimile)
Docket No.: R122 1020.2 (51939.0004.8)